

SEP 23 2011

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

SANDRA K. MARKHAM, Clerk  
By: Chamberlin

DIVISION PRO TEM B

HON. WARREN R. DARROW

By: Robin Gearhart  
Judicial Assistant

CASE NUMBER: V1300CR201080049

Date: September 23, 2011

TITLE:

COUNSEL:

STATE OF ARIZONA

Sheila Sullivan Polk  
Yavapai County Attorney  
Bill Hughes, Esq.  
Deputy Yavapai County Attorneys

(Plaintiff)

(For Plaintiff)

vs.

JAMES ARTHUR RAY

Thomas K. Kelly, Esq. (e)  
425 E. Gurley  
Prescott, AZ 86301

Luis Li, Esq.  
Brad Brian, Esq.  
Truc Do, Attorney at Law (e)  
Miriam Seifter, Attorney at Law  
MUNGER TOLLES & OLSON LLP  
355 S. Grand Avenue, 35<sup>th</sup> Fl.  
Los Angeles, CA 90071

(Defendant)

(For Defendant)

**ORDER RE: DEFENDANT'S MOTION TO EXCLUDE IMPROPER EVIDENCE FROM  
PRE-SENTENCE HEARING**

The Court has considered the Defendant's Motion to Exclude Improper Evidence from Pre-Sentence Hearing and the State's Response.

Both parties have requested a pre-sentence hearing. Under Rule 26.7(a), the Court must grant those requests. Rule 26.7(b) provides that "at the hearing any party may introduce any reliable, relevant evidence, including hearsay, in order to show aggravating or mitigating circumstances, to show why sentence should not be imposed, or to correct or amplify the pre-sentence, diagnostic or mental health reports ...." The Court will apply this general framework in considering any evidence submitted by the parties and will make determinations as to admissibility and the weight to be

given items of evidence based on any objections and arguments of counsel at the hearing.

**IT IS ORDERED denying** Defendant's motion.

Dated: This 23rd day of September, 2011.

  
HON. WARREN R. DARROW  
Judge of the Superior Court

cc: Victim Services Division